

REMARKS

In the Office Action, the Examiner rejected Claims 2-33 and 47. The foregoing amendment amends Claim 5 to clarify the invention and the appended remarks distinguish the claimed invention from the cited references.

Perkowski

The Examiner primarily relied upon U.S. Patent No. 6,961,712 to Perkowski ("Perkowski") in rejecting the claims. Perkowski describes a system that provides a user with links to product information that is available on the Internet. For example, Figure 4P2 illustrates a number of URLs (uniform resource locators), *i.e.* links presented to a user that are related to the "Ultralite Dagger Mountain Bike."

The system described by Perkowski is based on a product numbering system, such as the Universal Product Code (UPC) numbering system. Figure 4A1 illustrates the product information stored by the system in its IPI Registrant Database. As shown in Figure 4A1 each of the products managed by the system must be associated with a unique product number (see column labeled "IP/SN"). Each of the products also is associated with at least one URL (see column labeled Uniform Resource Locator (URL)).

When a user queries the system, the system presents the user with one or more URLs for the product. The user retrieves information about the product by navigating to the sites associated with the URLs. Although the system stores some information related to the products, the stored information is used by the system for searching. The only stored information that is presented to the user are the URLs. The URLs only provide a link to the product information. The user must access the URLs to obtain the product information.

The Examiner cited the product description-directed search mode of Perkowski. The product description-directed search mode uses a product

description provided by the user to “find all registered consumer products having trademarks or trade names...linked to the product description.” Column 89, lines 52 through 56. The search results include a “triplet data set” that includes the trademark, the UPN and the manufacturer.” Column 89, lines 56 through 59. The product description is only used to identify products associated with the product description. The product description information is not provided to the user, but instead the product description information is provided by the user with a search request. The information output to the user is a set of URLs that point to particular types of product related information. Column 90, lines 49-56.

The Examiner also cited the UPC-directed search mode and the trademark-directed search mode of Perkowski. The UPC-directed search mode requires that the user enter a specific UPC code and the trademark-directed search mode requires that the user enter a specific trademark. Similar to the product-directed search mode, these searches also present one or more URLs to the user

Figure 4B of Perkowski describes a Non-IPI Registrant Database that lists products that are not currently registered with the system, *i.e.* not included in the database of Figure 4A1. See Column 43, lines 46-49. The Non-IPI Registrant Database includes a Status field that stores information indicating whether the company associated with the non-registered product has been solicited and the date(s) of solicitation. Column 44, lines 1-6. If a product is listed in the Non-IP Registrant Database, then the system cannot provide a URL to the user since the URL has not been entered into the system.

Claim 47

The Examiner rejected Claim 47 under 35 U.S.C. § 102(e) as being anticipated by Perkowski. Claim 47 requires receiving a specification of a class of items by a shopper, and in response to the specification of the class of items, collecting information about items within the class from multiple enterprises, storing the information and providing the collected information to the shopper. A class of

items is any grouping of items with something in common and is further defined by the dependent claims which recite that the class of items can be restricted by keywords and/or categories. Each of the enterprises offers items for exchange over the network, stores information about the items it offers in a database and can interact directly with shoppers. By collecting the information and providing the collected information to the shopper, the invention provides the user with information about multiple items from multiple enterprises in response to the user's single specification. Prior to the invention, a user was required to interact separately with each of the enterprises.

The UPC-directed and trademark-directed search modes of Perkowski require that the user specify a particular UPC or trademark and teach away from the claimed invention, which allows a user to specify a class of items. All of the cited search modes require the use of UPCs and only provide URLs to the user. The URLs are addresses and not information about an item, as required by Claim 47. The URLs are retrieved from the IPI Registrant Database, rather than being collected from multiple enterprises in response to receiving a specification of a class of items from the user, as required by Claim 47. The enterprises recited in Claim 47 are distinguishable from the IPI Registrant Database since the enterprises offer items for exchange and can interact directly with shoppers, whereas the database simply provides storage. In light of the foregoing, it is submitted that Perkowski does not describe the invention of Claim 47.

Claims 11-33

The Examiner rejected Claims 11-33 under 35 U.S.C. § 103(a) as being unpatentable over Perkowski, in view of U.S. Patent No. 6,424,979 to Livingston et al. ("Livingston") and further in view of U.S. Patent No. 5,835,896 to Fisher et al. ("Fisher"). In rejecting Claims 11-33, the Examiner admitted that Perkowski and Livingston fail to describe the elements of the dependent claim, but alleged that Fisher describes the recited elements.

Claims 11-33 require collecting information from or monitoring a plurality of auction sites. Fisher is limited to only a single auction site and thus does not describe collecting information from or monitoring multiple auction sites. There is no suggestion in Fisher that an auction could be conducted over multiple sites or any description of how the auction manager described by Fisher would operate over multiple sites.

There is no motivation to combine Perkowski and Fisher in the manner suggested by the Examiner. Perkowski describes providing links to various websites and Fisher describes a single auction site. Perkowski requires the use of a product numbering scheme, such as UPN, but Fisher does not use a product numbering scheme. One section of Perkowski indicates that updates to the IPI Database typically occur once a day. See Column 74, lines 26-29 stating that the database would have been "updated as early as the night before." Since multiple bids in an auction are usually received during a single day, the updating described by Perkowski is incompatible with the updating required by the auction site described by Fisher. Fisher also teaches away from Perkowski since Fisher provides auction information that it manages, whereas Perkowski provides URLs to information maintained by others.

Even if Perkowski and Fisher are combined the combination only results in a single auction site that provides URLs to product information for the auction items. The combination does not describe collecting information from multiple independent enterprises and presenting the information to the user in response to a single user query.

Claims 11 and 13

The Examiner admitted that Perkowski and Livingston fail to describe scheduling the collection of information based upon content of previously collected information, but alleged that Fisher describes this element. The cited section of Fisher describes the opening and closing of auctions and bid validation. Fisher

describes only a single auction site and thus does not describe collecting information from multiple auction sites, as required by Claim 11.

Furthermore, Fisher does not describe scheduling the collection of information from auction databases based upon the content of information previously collected from the auction databases. Bid validation examines the bid information to determine whether all of the necessary data is present and the data values look credible. An auction manager determines when to open a new auction by checking the current time and then determining whether any new merchandise items are scheduled to be made available for bidding. The current time is retrieved from a clock or timer associated with the auction system. It is not collected from a separate enterprise. Similarly, any new merchandise items are submitted directly to the auction system. The items are not collected from a separate enterprise.

The Examiner rejected Claim 13 reiterating the arguments made in rejecting Claim 11. In response, the remarks made above in support of a patentability of Claim 11 are equally applicable to the patentability of Claim 13.

Claim 17

In rejecting Claim 17 the Examiner admitted that Perkowski and Livingston do not teach an item watch request, but alleged that Fisher describes an item watch request specifying a particular item for monitoring. The cited section of Fisher describe a listing or index of the available merchandise for a single auction site, as well as the operation of a Dutch Auction. The cited sections of Fisher do not describe receiving an item watch request and monitoring a plurality of auction sites, as required by Claim 17.

Claim 18

In rejecting Claim 18, the Examiner alleged that Fisher describes providing a shopper with notification when the specified item becomes available for bidding. The cited sections of Fisher describe a Progressive Auction, as well as a notification to a bidder that the bidder has been outbid. The cited sections of Fisher do not describe that Fisher allows a user to specify an item and that the system subsequently notifies the user when the specified item becomes available for bidding, as recited by Claim 18.

Claims 26, 27 and 28

In rejecting Claims 26, 27 and 28, the Examiner admitted that Perkowski, Livingston and Fisher fail to describe restriction of a class of items by specifying key words. However, the Examiner alleged that it would have been obvious to provide this feature in Perkowski because it would allow the system described by Perkowski to have the ability to access Internet sites using specific keywords for items. The system described by Perkowski requires unique product identifiers. The Examiner has not provided a citation to Perkowski that describes how a keyword would operate in connection with a class specification in light of Perkowski's requirement of unique product identifiers. One of the sections of Perkowski cited by the Examiner describes three separate search methods (product description-directed, UPC-directed and trademark-directed search modes), where each search method corresponds to one of the columns illustrated by Figure 4A1. It is submitted that Perkowski is distinguishable from the present invention since Perkowski requires independent search methods to search for the different types of information, whereas the recited invention can combine classes with keywords.

Serial No. 09/662,737

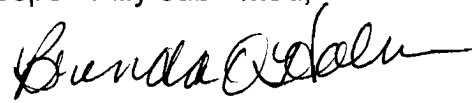
Response to Office Action mailed December 12, 2005

Docket No. L9090/269360

Conclusion

If there are any issues that can be resolved via a telephone conference, the Examiner is invited to contact the undersigned at 404.685.6799.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brenda O. Holmes", with a long horizontal flourish extending to the right.

Brenda O. Holmes

Reg. No. 40,339

Attorney for Applicant's Assignee

OF COUNSEL:

KILPATRICK STOCKTON LLP

1100 Peachtree Street, Suite 2800

Atlanta, Georgia, 30309-4530

404-815-6500